

Rce/2822 \$

PTO/SB/30 (09-03)

Approved for use through 07/31/2006, OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/765,437
Filing Date	January 22, 2001
First Named Inventor	Toshiya SUZUKI
Art Unit	2822
Examiner Name	GUERRERO, Maria F.
Attorney Docket Number	001764

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☒ Other Amendment Transmittal enclosed
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 50-2866
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 942.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Sadao Kinashi	Registration No. (Attorney/Agent)	48,075
Signature	<i>Sadao Kinashi</i>	Date	June 14, 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)		Date	
Signature			

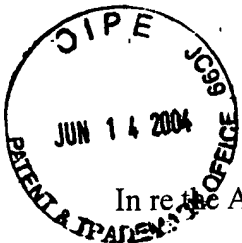
This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/16/2004 WABDELRI 00000003 09765437

01 FC:1201

06/16/2004 WABDELRI 00000003 09765437 770.00 DP 02 FC:1801



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Toshiya SUZUKI**

Group Art Unit: **2822**

Serial No.: **09/765,437**

Examiner: **GUERRERO, Maria F.**

Filed: **January 22, 2001**

P.T.O. Confirmation No.: **9007**

For: **SEMICONDUCTOR DEVICE HAVING A CAPACITOR WITH RARE METAL ELECTRODE**

Attorney Docket No.: **001764**

Customer Number: **38834**

**AMENDMENT TRANSMITTAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 14, 2004

Sir:

Transmitted herewith is an Amendment in the above-identified application. The fee has been calculated as shown below:

	CLAIMS AS AMENDED						
	Claims Remaining After Amendment	Highest Number Previously Paid For		Present Extra	Small Entity	Large Entity	Additional Fee
Total Claims	25	25	=		X \$9	X \$18	
Independent Claims	9	7	=	2	X \$43	X \$86	\$ 172
First Presentation of Multiple Dependent Claims					\$145	\$290	
							\$ 172.00

**XX** Enclosed please find our check in the amount of **\$ 942.00**. This check includes **\$770.00** for the RCE and **\$172.00** for the additional claims fee in connection with this amendment.

**XX** The Commissioner is hereby authorized to charge payment for any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

Sadao Kinashi  
Attorney for Applicants  
Reg. No. 48,075

SK/fs  
1250 Connecticut Ave. N.W.  
Suite 700  
Washington, D.C. 20036  
(202) 822-1100

Q:\2000\001764\001764 amendment transmittal 4 (RCE).doc

06/16/2004 14:00:00 00000003-09265437  
172-00-0P  
01-FG-1201



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Toshiya SUZUKI**

Group Art Unit: **2822**

Serial No.: **09/765,437**

Examiner: **GUERRERO, Maria F.**

Filed: **January 22, 2001**

P.T.O. Confirmation No.: **9007**

For: **SEMICONDUCTOR DEVICE HAVING A CAPACITOR WITH RARE METAL  
ELECTRODE**

Attorney Docket No.: **001764**

Customer Number: **38834**

**SUBMISSION UNDER 37 C.F.R. §1.114**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

June 14, 2004

Sir:

This Submission is being filed concurrently with a Request for Continued Examination pursuant to 37 C.F.R. §1.114. In response to the Office Action dated March 17, 2004, Applicant amends the claims as follows and submits the following remarks.

**Amendments to the Claims** are reflected in the list of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 12 of this paper.